

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, JUNE 16, 2014
6:30 P.M.**

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

AGENDA

1. CALL TO ORDER
2. ROLL CALL - CITY CLERK
3. INVOCATION AND PLEDGE TO THE FLAG:
 - A. Invocation Presented by Commissioner Barnaby.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes - Regular City Commission Meeting of June 2, 2014.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of June 2, 2014.
 - B. Additions or Deletions to Agenda.

PRESENTATIONS/AWARDS/REPORTS:

- A. Presentation re: Volusia County School Board's Half Cent Tax Extension Initiative.

After discussion, the Commission voted 6 to 1 (Commissioner Denizac abstained from the vote) to extend the half-cent sales tax.
6. PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length)

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

A. Request for approval of award of RFP#14017 for Auditing Services.

Proposals were solicited on www.demandstar.com for Auditing Services. 258 companies were notified and there were 16 companies that downloaded the RFP. Six companies responded. Selection Committee members are as follows:

*Dale Baker, Acting Deputy City Manager
Mari Liesen, Financial Analyst
Julia Johnson, Chief Utility Accountant*

The Selection Committee independently scored the proposals and then a Selection Committee meeting was held on May 28, 2014 to discuss the firms with the highest combined scores. Those firms were Purvis Gray & Company with 274 total points followed by Moore Stephens Lovelace with 260 total points.

The Selection Committee then came to a consensus that they did not require interviews with the firms and to recommend award to Purvis Gray & Company.

Approved by Consent Agenda - to approve award of RFP#14017 for Auditing Services to Purvis Gray & Company at a total cost for the 2013/2014 audit of \$54,350 and at the cost as stated in their attached proposal for each of the following four years.

B. Request for approval of award of RFQ#14013 for Engineering Design Services for Lakeshore Multi-Purpose Trail Project.

The Commission approved Resolution No. 2014-06 to move forward in obtaining design services for this project. Staff solicited qualifications packets on demandstar. There were 660 companies notified of the RFQ and 33 companies downloaded the RFQ. Qualification packets were received from the following five companies:

- AVCON, Inc.
- Bentley Architects & Engineers
- Booth, Ern, Straughan & Hiott, Inc.
- CPH, Inc.
- Kisinger Campo & Associates, Corp.

Selection Committee Members were:

- *Scott McGrath, Planner II*
- *Cheryl Atkins, Grants Coordinator*
- *Steve Moore, Parks and Recreation Director*

The Committee independently scored the qualifications packets received and a Selection Committee Meeting was held on June 2, 2014. At the meeting, the combined scores were distributed and discussions took place regarding the highest scoring firms. Those firms were Avcon, Inc., CPH, Inc and Kisinger Campo & Associates Corp.

The Committee came to a consensus to interview these companies. Interviews were held on June 6, 2014. The final ranking of the Committee is as follows:

- 1. CPH, Inc.*
- 2. Avcon, Inc.*
- 3. Kisinger Campo & Associates, Corp.*

This project is not officially identified in the 2013/14 budget. The Volusia County TPO has estimated this project to be \$45,000. They will pay 90% of the cost and the City of Deltona's share is estimated to be \$4,500. Once negotiations are final and we have the final cost, the project will again be brought before the Commission for an official "budget amendment".

Approved by Consent Agenda – to approve beginning negotiations and make award to CPH, Inc. upon successful negotiations. If an agreement cannot be reached, negotiations will be terminated with them and continued with the next firm and continue until negotiations are successful and the City enters into an agreement with that firm.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 09-2014, Saxon Plaza Business Unit Development (BPUD), RZ14-004, at second and final reading.

The City of Deltona received an application from the owner of lot 4 within the Saxon Plaza (f.k.a. Albertson's Plaza) to amend the Albertson's Plaza Business Planned Unit Development (BPUD) Development Agreement by adding "Daycare Center" to the BPUD list of permitted uses.

Volusia County approval of the Albertson's BPUD in 1991 was prior to the incorporation into the City. The plaza has long been an established gateway facility with a variety of uses. The most recent use for this suite proposed for daycare use was an internet cafe and is located at the southern end of the multi-tenant retail building. The applicant is requesting that the term Daycare Center

be added to the list of permitted uses for the BPUD to allow for a facility that serves special needs children. Thus, staff is in support of the proposed BPUD amendment, based upon the following:

- 1. Daycare Center is a defined term in Chapter 70-30 of the City's Code of Ordinances;*
- 2. The addition of the term Daycare Center will not diminish the function, viability, or character of the plaza;*
- 3. The proposed daycare use helps ensure that the project does not become obsolete over time; and*
- 4. The proposed use is consistent with the City's Comprehensive Plan.*

Finally, on May 21, 2014, the Planning and Zoning Board voted to recommend that the City Commission approve Ordinance No. 09-2014, and on June 2, 2014, the City Commission approved the first reading of the ordinance.

After discussion, the Commission voted 6 to 1 (Commissioner Nabicht voted against the motion) to adopt Ordinance No. 09-2014, an amendment to the Saxon Plaza Business Planned Unit Development (BPUD) that adds Daycare Center as a permitted use, at second and final reading.

B. Public Hearing - Ordinance No. 16-2014, creating a new Article IX, Chapter 2 of the Code of Ordinances, Pertaining to Sanctions for Charter Violations, at second and final reading.

A Workshop was held on Thursday, March 27, 2014 to discuss the Charter Review Committee's recommendations for Charter amendments. At that time the City Commission directed the City Attorney to develop an ordinance to address sanctions for violating the City Charter which was presented to the Commission at the Workshop held on April 14, 2014.

At the Workshop held on Monday, April 14, 2014 the City Attorney presented a draft ordinance as requested by the Commission. After review and discussion of the proposed ordinance the City Commission requested a Joint Meeting with the Charter Review Committee to obtain clarity on the intent of adding an amendment to address Charter violation sanctions.

After the Joint Meeting with the Charter Review Committee on Tuesday, June 27, 2014 the City Attorney made some changes to the Ordinance, and that revised ordinance was presented for first reading on June 2, 2014. The City Commission, at first reading, requested that the last sentence of Sec. 2-380 of the ordinance be revised before second and final reading.

After discussion, the Commission voted unanimously to adopt Ordinance No. 16-2014 at second and final reading.

C. Resolution No. 2014-09, Establishing Preliminary Annual Assessment Rate - Stormwater Utility Services for FY 14/15.

The Stormwater Utility System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Staff is not proposing a change to the current annual rate of \$76.11 per ERU (Equivalent Residential Unit).

After discussion, the Commission voted unanimously to adopt Resolution No. 2014-09, Establishing Preliminary Assessment Rate Resolution – Stormwater Utility Assessments for FY 14/15 at the rate of \$76.11 per Equivalent Residential Unit (ERU).

D. Resolution No. 2014-10, Establishing the Preliminary Annual Rate resolution - Solid Waste Services for FY 14/15.

The Solid Waste Collection System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution requires the adoption of a Preliminary Rate Resolution. Staff is not proposing a change in the annual solid waste assessment; the current fee is \$173.96 per year.

After discussion, the Commission voted unanimously to adopt Resolution No. 2014-10, Establishing Preliminary Assessment Rate Resolution – Solid Waste Assessment for FY 14/15 to provide for an annual rate of \$173.96 for solid waste collection services.

E. Resolution No. 2014-11, Establishing Preliminary Annual Assessment Rate - Streetlighting Services for FY 14/15.

The Streetlighting Services System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary and Annual Rate Resolutions.

After discussion, the Commission voted unanimously to adopt Resolution No. 2014-11, adopting the current rate for Streetlighting Assessments for FY 14/15.

9. OLD BUSINESS:

- A. Request for consideration of proposed First Amendment to Real Estate Purchase Agreement for Dupont Lakes Park extending the inspection period to July 17, 2014.**

The City of Deltona ("Seller") and RTC Development Company ("Purchaser") entered into a Real Estate Purchase Agreement for Dupont Lakes Park dated February 17, 2014.

The Purchaser has requested that the Agreement be amended to extend the due diligence period for a month to end July 17, 2014.

After discussion, the Commission voted unanimously to approve the proposed First Amendment to Real Estate Purchase Agreement extending the inspection period to July 17, 2014.

10. NEW BUSINESS:

- A. Request for consideration from Sergey Ginzburg for a reduction of fine from \$10,000.00 assessed pursuant to Special Magistrate Cases DEL-07-192 and DEL-07-193.**

An Order Imposing Fine/Lien was entered on October 24, 2007, by the City of Deltona Special Magistrate, ordering Frances Bundschu to pay to the City of Deltona a fine in the amount of two hundred and fifty dollars (\$250.00) for each and every day the violations exist and continues to exist or until a cap of \$5,000.00 is reached for each case. The violation occurred when the respondent failed to repair the pool enclosure and maintain the pool in a sanitary condition for the property located at 1551 Fort Smith Boulevard. The total accumulated amount due is \$10,000.00. On May 28, 2014 Widalis Munoz, Esq. representing Sergey Ginzburg appeared before the Special Magistrate to request a recommendation to reduce the fine.

The Special Magistrate forwarded staff's recommendation of no reduction fines.

After discussion, the Commission voted unanimously to not grant any reduction of the fines requested of Sergey Ginzburg concerning Case No. DEL-07-192 and DEL-07-193 for the property located at 1551 Fort Smith Boulevard, Deltona, Florida.

B. Request for authorization to execute the River to Sea Transportation Planning Organization (TPO) Transportation Planning Funds Joint Participation Agreement and the Interlocal Agreement for the Creation of the Metropolitan Planning Organization.

Federal transportation regulations require the establishment of a Metropolitan Planning Organization (MPO) to conduct coordinated transportation planning activities for Urbanized Areas and to establish a Metropolitan Planning Area (MPA) that defines the geographical planning area boundary. A TPO is also called an MPO in some locations and the terms are interchangeable. In 2013, the City recognized the expansion of the Volusia TPO boundaries, under Resolution No. 2013-10, to include Flagler County. The City is now served by the River to Sea Transportation Planning Organization (TPO); which is formerly known as the Volusia TPO.

After discussion, the Commission voted unanimously to approve the River to Sea Transportation Planning Organization Transportation Planning Funds Joint Participation Agreement and the Interlocal Agreement for the Creation of the Metropolitan Planning Organization.

C. Consideration of appointment of one (1) member to the Economic Development Advisory Board (Commissioner Nabicht's appointment).

Staff received a voicemail from newly appointed Board Member Beverly Spitz resigning from the Economic Development Advisory Board on May 28, 2014.

The City has run press releases, posted the opening on D-TV, the City's web page and on bulletin boards. To date the City has received applications from the following individuals: Eric Alexander, Linda Bauer, Jason DiNunno, John Enyart, Maribel Montanez, and Steven Sukow II.

After discussion, the Commission voted unanimously to confirm the following Commission member's appointment of Eric Alexander to the Economic Development Advisory Board for the remainder of a term to expire on May 31, 2015.

11. CITY ATTORNEY COMMENTS:

12. CITY MANAGER COMMENTS:

A. Lobbyist Update.

13. CITY COMMISSION COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.